



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/708,406

03/01/2004

Ernesto Garcia

19.0372

2405

23718 7590 01/19/2010
SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND, TX 77478

EXAMINER

SMITH, MATTHEW J

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

01/19/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,406	Applicant(s) GARCIA ET AL.	
	Examiner Matthew J. Smith	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 15, 16, 18-26, 28-30, 32-36, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Patton (5439064).

Patton discloses a method for drilling at least one wellbore from an offsite location, the wellbore located at a wellsite having a drilling rig, Fig. 1, with a suspended downhole drilling tool 10, comprising: selectively advancing the downhole drilling tool 10 into the earth to form the wellbore; the downhole drilling tool operated according to a wellsite setup; collecting wellsite parameters from sensors, at 19, 21, positioned about the wellsite; transmitting the wellsite parameters to an offsite control center 12; performing an analysis of the wellsite parameters; automatically adjusting the wellsite set up from the offsite center based on the analysis of the wellsite parameters (col. 5, lines 13-15); manually adjusting the wellsite setup at the wellsite (col. 5, lines 20-21); automatically adjusting the wellsite setup at the wellsite (col. 5, lines 4-7); the automatic adjustments made by a surface control unit 20; a portion of the sensors positioned about a downhole system 26 of the wellsite; establishing an offsite communication link between the offsite control center and the wellsite, Fig. 1; the offsite communication link is between the offsite control center 12 and a surface control unit 20 at the wellsite; establishing an onsite communication link between the surface control unit and a surface system of the wellsite; the offsite communication link is between the offsite control center and the downhole tool (col. 5, line 14); establishing a wellsite communication link between one wellsite; deploying a downhole tool 10 into the wellbore; at least a portion of the

Art Unit: 3635

sensors 26 positioned about the downhole tool; the parameters transmitted via satellite (col. 5, line 13); the transmitting and adjusting steps performed in real time (col. 5, line 8); and the drilling tool is a measurement-while-drilling tool.

This reference also discloses a system for drilling a wellbore from an offsite location, comprising: at least one wellsite having a drilling assembly and a drilling tool 10 suspended from a rig via a drill sting; the drilling tool having a bit at a downhole end to advance into the earth to form the wellbore; sensors, at 19, 21, about the wellsite; the sensors collect wellsite parameters; a wellsite transceiver, Fig. 1, for sending signals from and receiving signals at the wellsite; an offsite control center 12 having an offsite transceiver for sending signals from and receiving signals at the offsite location; an offsite processor to generate an analysis of the wellsite parameters and make decisions (note flow chart); an offsite controller to automatically adjust the wellsite setup according to the analysis of the wellsite parameters (note flow chart); an offsite communication link between the wellsite and offsite transceivers for passing signals; a processor to analyze the wellsite parameters and make decisions (note flow chart); a surface control unit 20 to adjust the wellsite setup; the surface control automatically adjusts the wellsite setup (col. 5, lines 13-15); the surface control unit manually adjusts the wellsite setup (col. 5, lines 20-21); a surface system and a downhole system, the downhole drilling tool 10 forming a portion of the downhole system; a surface communication link between the surface system and the downhole system (Fig. 1); the wellsite transceiver positioned at the surface system; a communication link between transceivers at one wellsite for passing signals; the offsite communication link being a satellite; a downhole tool 10 positionable in the wellbore, at least a portion of the sensors 26 about the downhole tool; and the drilling tool is a measurement while drilling tool.

This reference further discloses a method for drilling at least one wellbore at a wellsite from an offsite location 12, comprising: selectively operating a drilling tool 10 according to a wellsite setup to form the wellbore; collecting wellsite parameters from sensors, at 19, 21, positioned about the wellsite; selectively adjusting the wellsite setup at the wellsite via a wellsite control unit 20; transmitting at least a portion of the wellsite parameters from the wellsite to an offsite control center 12; automatically adjusting the wellsite setup at the offsite control center based on an analysis of the wellsite parameters (col. 5, line 14); manually adjusting the wellsite setup at the wellsite (col. 5, lines 21-25); and automatically adjusting the wellsite setup at the wellsite (col. 5, lines 1-3).

This reference finally discloses a method for drilling at least one wellbore from an offsite location, the wellbore located at a wellsite having a drilling rig with a suspended downhole drilling tool 10, comprising: selectively advancing the downhole drilling tool 10 into the earth to form the wellbore; the downhole drilling tool operated according to a wellsite setup (col. 5, lines 1-10); collecting wellsite parameters from sensors, at 19, 21, positioned about the wellsite; transmitting at least a portion of the wellsite parameters to an offsite control center 12; performing an analysis of the wellsite parameters (note flow chart); determining a drilling command at the offsite control center in response to the wellsite parameters (note flow chart); transmitting the drilling command from the offsite control center to a surface control unit 20 at the wellsite; automatically transmitting the drilling command from the surface control unit to the downhole drilling tool (col. 5, lines 24-25); implementing the drilling command at the downhole drilling tool; and changing the wellsite setup.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 14, 17, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton in view of Alvarado et al. (5864772).

Patton discloses transmitting operating data to a remote location but not the drilling tool removed prior to deploying the downhole tool and reinserted after the removal of the downhole tool, the downhole tool is one of a wireline tool, a coiled tubing tool, a rapid formation tester tool, an electromagnetic tool, the transmitting and adjusting steps are performed at intervals, or at least one monitor for displaying the wellsite parameters.

Alvarado et al. show a wireline tool 10 with sensors transmitting data to a remote location (which inherently requires the drilling tool to be removed) and a monitor 60.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a wireline tool to gather well data to be transmitted to a remote location to display on a monitor, as shown by Alvarado et al., since it is well known to gather data from a wireline tool as well as a drilling tool and display on a monitor.

It would have been further obvious to transmit and adjust at intervals since the Patton structure would have been capable of transmitting and adjusting at intervals and no new, unexpected, or unpredictable result would have occurred.

Response to Arguments

Applicant's arguments filed 8 December 2009 have been fully considered but they are not persuasive. The examiner contends Patton provides the offsite command to a drilling operation as argued.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is (571) 272-7034. The examiner can normally be reached on T-Th, 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

/M. J. S./
Examiner, Art Unit 3635
5 January 2010